

ESTTA Tracking number: **ESTTA482684**

Filing date: **07/11/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92054290
Party	Plaintiff Packers Provision Co. of Puerto Rico, Inc. and V. Suarez & Co., Inc.
Correspondence Address	CARLA GARCIA ONEILL & BORGES 250 MUNOZ RIVERA AVENUE SAN JUAN, PR 00918 UNITED STATES tmproceedings@oneillborges.com, travis.wheatley@oneillborges.com
Submission	Withdrawal of Cancellation
Filer's Name	Julian Diaz Morales
Filer's e-mail	julian.diaz@oneillborges.com
Signature	/Julian Diaz Morales/
Date	07/11/2012
Attachments	Cancellation - Motion to Dismiss TTAB Proceedings FINAL.pdf (3 pages) (169413 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

PACKERS PROVISION CO. OF PUERTO
RICO, INC. and V. SUÁREZ & CO., INC.,

Petitioners,

v.

THE SMITHFIELD PACKING COMPANY
INCORPORATED,
Respondent

Cancellation No. 92/054,290

Registrations Nos. 3,978,570 and 3,978,571

Marks: SHORGOOD and SHORGOOD
Design

Honorable Commissioner for Trademarks
PO Box 1451
Alexandria, VA 22313-1451

MOTION REQUESTING VOLUNTARY DIMISSAL, WITH PREJUDICE

COME NOW, PACKERS PROVISION CO. OF PUERTO RICO, INC., a corporation organized under the laws of Puerto Rico and V. SUAREZ & CO., INC., a corporation organized under the laws of Puerto Rico, (collectively, “Petitioners”), and respectfully allege and request, collectively and individually:

1. Petitioners and Respondent entered into a settlement agreement (*Confidential Settlement Agreement*) on June 13, 2012 whereby Petitioners agreed to abandon this cancellation proceeding with prejudice.

2. To that effect, Petitioners voluntarily request for this proceeding to be dismissed with prejudice.

WHEREFORE, PACKERS PROVISION CO. OF PUERTO RICO, and its related entity V. SUÁREZ & CO., Petitioners, respectfully request from the Trademark Trial and Appeal

Board that it take notice of this voluntary request for dismissal of the present action, **with prejudice.**

IT IS HEREBY CERTIFIED that the foregoing was served to all participants in this case in accordance with Trademark Rule §2.119 and Trademark Trial and Appeal Board Manual of Procedure §309.02(c)(2).

Respectfully submitted,

*PACKERS PROVISION CO. OF PUERTO
RICO, INC. and V. SUÁREZ & CO.*

BY: /CARLA GARCIA/

Carla García-Benítez
O'NEILL & BORGES
250 Muñoz Rivera Ave., Suite 800
San Juan, Puerto Rico 00918
Tel.: (787) 282-5737
Fax: (787) 753-8944
Email: tmproceedings@oneillborges.com
Attorneys for Petitioners

Dated: July 11, 2012

CERTIFICATE OF SERVICE

I, Julian Diaz-Morales, state that I served a copy of the foregoing ***Motion Requesting Voluntary Dismissal with Prejudice***, via UPS Overnight Delivery, Tracking No. 1Z 725 102 01 5038 3661, postage prepaid, upon Respondent at the following address:

THE SMITHFIELD PACKING COMPANY, INCORPORATED
111 COMMERCE STREET
SMITHFIELD, VA 23430

and, via USPS Express Mail Post Office to Addressee, postage prepaid, upon its attorney of record at the following address:

CARL H. PIERCE
REED SMITH LLP
PO BOX 7990
PHILADELPHIA, PA 19101-7990

in accordance with Trademark Rule § 2.119 and TBMP §309.02(c)(2) on this 11th day of July 2012.

/Julian Diaz-Morales/

Julian Diaz-Morales